

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER

Defendant Charles Wolfe is charged with multiple conspiracies involving the alleged illegal manufacture, sale, and distribution of analogue or synthetic substances and other related violations. On March 8, 2016, Wolfe filed a motion to adopt in this case a Franks¹ motion and suppression motion he had filed in a companion case styled United States v. Palmer, et al., 4:14 CR 175 AGF / DDN. That motion was granted on March 23, 2016. On June 17, 2016, Wolfe filed those motions in this case. Wolfe is challenging twenty-four separate search warrants in this case and seeks to suppress evidence seized pursuant to the warrants.

On December 14, 2016, after reviewing Wolfe's motions, United States Magistrate Judge Noelle C. Collins, filed a report and recommendation that the motions be denied. On January 6, 2017, Wolfe filed objections to Judge Collins' report. On January 18, 2017, Plaintiff United States filed a motion for an extension of time to file a

¹ A Franks hearing is based on the case of Franks v. Delaware, 438 U.S. 154 (1978). The hearing is a proceeding to challenge the validity of a search warrant.

response to the objections which was granted on January 19, 2017.²

I have performed a de novo review of Wolfe's motions and the related briefs. I have also reviewed Judge Collin's report and recommendation. I agree with Judge Collins recommendation that these motions should be denied for the reasons stated in her report. Wolfe is not entitled to a Franks hearing because he failed to make a "substantial preliminary showing of a false or reckless statement or omission and [failed to] show that the alleged false statement or omission was necessary to the probable cause determination." United States v. Crissler, 539 F.3d 831, 833–34 (8th Cir. 2008) (internal quotations and citations omitted). I find that the search warrants at issue were supported by probable cause. As a result, Wolfe's motion to suppress evidence seized during the searches will also be denied.

Accordingly,

IT IS HEREBY ORDERED that I hereby adopt and incorporate Judge Noelle C. Collins' report and recommendation dated December 14, 2016.

IT IS FURTHER ORDERED that Defendant Charles Wolfe's motion for a Franks hearing [586] and his motion to suppress evidence [587] are **DENIED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of February, 2017.

² On January 27, 2017, Plaintiff appears to have inadvertently filed a response to Wolfe's objections to Judge Collin's report and recommendation in Wolfe's companion case United States v. Palmer, et al., 4:14 CR 175 AGF / DDN at docket entry 313.